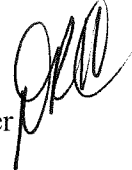




City of Loma Linda Official Report

Floyd Petersen, Mayor
Karen Gaio, Mayor pro tempore
Robert Christman, Councilmember
Stan Brauer, Councilmember
Robert Ziprick, Councilmember

COUNCIL AGENDA: August 26, 2003
TO: City Council
FROM: Dennis R. Halloway, City Manager 
SUBJECT: Disability retirement for Chief Brooks

RECOMMENDATION

It is recommended that the City Council approve Council Bill #R 2003-41, a resolution certifying a disability retirement for Chief Brooks.

BACKGROUND

In order to complete the disability retirement of Chief Brooks, Government Code Section 21156 requires that the City Council find that the retirement is a result of injury or disease arising out of and in the course and scope of employment.

Chief Brook has been examined by the City's doctors in a Fitness for Duty Examination and it has been determined that he should be retired. Based upon that medical evidence, it is therefore recommended that the City Council make the finding that the disease is work related.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LOMA LINDA, CERTIFYING INDUSTRIAL DISABILITY
AND ELIGIBILITY FOR RETIREMENT PURSUANT TO
GOVERNMENT CODE SECTION 21156

WHEREAS, the City of Loma Linda (hereinafter referred to as Agency) is a contracting agency of the Public Employee's Retirement System; and

WHEREAS, the Public Employee's Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he/she is classified as a local safety member is disabled for purposes of the Public Employee's Retirement Law and whether such disability is "industrial" within the meaning of such Law; and

WHEREAS, an application for disability retirement of Edwin Gene Brooks, employed by the Agency in the position of Fire Division Chief has been filed with the Public Employees' Retirement System; and

WHEREAS, the City Council of the City of Loma Linda has reviewed the medical and other evidence relevant to such alleged disability;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Loma Linda hereby finds and determines that Edwin Gene Brooks is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Fire Division Chief; and

BE IT FURTHER RESOLVED that the City Council of the City of Loma Linda finds and determines that such disability is a result of injury or disease arising out of and in the course and scope of employment. Neither said Edwin Gene Brooks nor the agency City of Loma Linda has applied to the Worker's Compensation Appeals Board for a determination pursuant to Section 21166 whether such disability is industrial.

PASSED, APPROVED AND ADOPTED this 26th day of August 2003 by the following vote:

Ayes:
Noes:
Abstain:
Absent:

Floyd Petersen, Mayor

ATTEST:

Pamela Byrnes-O'Camb, City Clerk